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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 RODRICK RAY WENTLING,

18 Defendant.

19 Case No. 2:24-mj-00572-DJA

20 **STIPULATION TO CONTINUE**
21 **MOTION DEADLINES AND BENCH**
22 **TRIAL**
23 (First Request)

24 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
25 United States Attorney, and Skyler Pearson, Assistant United States Attorney, counsel for the
26 United States of America, and Rene L. Valladares, Federal Public Defender, and Rick Mula,
Assistant Federal Public Defender, counsel for Rodrick Ray Wentling, that the bench trial
scheduled for November 20, 2024 at 9:00 a.m., be vacated and set to a date and time convenient
to this Court, but no sooner than sixty (60) days.

IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
and including November 11, 2024, to file any and all pretrial motions and notices of defense.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
shall have to and including November 25, 2024, to file any and all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including December 2, 2024, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. Counsel for the defendant needs additional time to conduct investigation in this
5 case in order to determine whether there are any pretrial issues that must be litigated and
6 whether the case will ultimately go to trial or will be resolved through negotiations.

7 2. The defendant is out of custody and does not object to the continuance.

8 3. The parties agree to the continuance.

9 4. The additional time requested herein is not sought for purposes of delay, but
10 merely to allow counsel for defendant sufficient time within which to be able to effectively and
11 complete investigation of the discovery materials provided.

12 5. Additionally, denial of this request for continuance could result in a miscarriage
13 of justice. The additional time requested by this Stipulation is excludable in computing the time
14 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
15 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
16 Section 3161(h)(7)(B)(i), (iv).

17 This is the first stipulation to continue filed herein.

18 DATED this 11th day of October, 2024.

19 RENE L. VALLADARES
20 Federal Public Defender

21 By /s/ Rick Mula

22 RICK MULA
Assistant Federal Public Defender

JASON M. FRIERSON
United States Attorney

By /s/ Syler Pearson

SKYLER PERSON
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
RODRICK RAY WENTLING,
Defendant.

Case No. 2:24-mj-00572-DJA

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is out of custody and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including November 11, 2024 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including November 25, 2024 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including December 2, 2024 to file any and all replies.

IT IS FURTHER ORDERED that the bench trial currently scheduled for November 20, 2024, at the hour of 9:00 a.m., be vacated and continued to **January 29, 2025, at 9:00 a.m. in courtroom 3A.**

DATED this 11th day of October, 2024.

UNITED STATES MAGISTRATE JUDGE